

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ABBOTT CARDIOVASCULAR	)	
SYSTEMS, INC. and ABBOTT	)	
LABORATORIES, INC.,	)	
	)	Civil Action No. 98-80 (SLR)
Plaintiffs,	)	(Consolidated with C.A. No. 98-314 (SLR) and
	)	C.A. No. 98-316 (SLR))
v.	)	
	)	
MEDTRONIC VASCULAR, INC. and	)	REDACTED PUBLIC
MEDTRONIC USA, INC.	)	VERSION
	)	
Defendants.	)	
	)	

**MEDTRONIC’S UNOPPOSED MOTION TO SUPPLEMENT THE RECORD AND  
TO FILE NON-ARGUMENTATIVE EVIDENTIARY OBJECTIONS**

Defendants Medtronic Vascular, Inc. and Medtronic USA, Inc. (“Medtronic”) respectfully request leave to supplement the record on Plaintiff’s Motion for a Permanent Injunction (D.I. 725) in light of Plaintiff’s reply brief (D.I. 805). This Court permitted Plaintiff Abbott Cardiovascular Systems, Inc. and Abbott Laboratories, Inc. (“Abbott”) to take two third-party depositions—Dr. Pearle and Dr. Badger—after Medtronic filed its answering brief (D.I. 781). Medtronic requests that it be permitted to supplement the record to provide complete deposition designations for Dr. Badger that in fairness and in the interest of ensuring that this Court is fully informed ought to be considered under Fed. R. Civ. P. 32(a)(4). Medtronic further requests leave to file non-argumentative evidentiary objections.

Abbott has stated that, while it disagrees with Medtronic’s characterization of Dr. Badger’s deposition testimony it does not oppose the filing of the Supplemental Deposition Designations. Further, Abbott has stated that while it disagrees with Medtronic’s objections, it does not oppose their filing. The proposed deposition designations, with a short summary, are attached as Exhibit A and the proposed evidentiary objections are attached as Exhibit B.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Karen Jacobs Loudon*

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November 28, 2007--Original Filing Date  
December 19, 2007--Redacted Filing Date  
1321244

**CERTIFICATE PURSUANT TO D. DEL. LR 7.1.1**

Defendants Medtronic Vascular, Inc. and Medtronic USA, Inc. certify that they have conferred with counsel for Abbott Cardiovascular Systems, Inc. and Abbott Laboratories, Inc. on the matters set forth in Medtronic's Unopposed Motion To Supplement The Record And To File Non-Argumentative Evidentiary Objections, and that Abbott does not oppose the motion.

*/s/ Karen Jacobs Louden*

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Karen Jacobs Louden (#2881)

**ALL EXHIBITS CONFIDENTIAL**

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on December 19, 2007 I electronically filed the foregoing with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Frederick L. Cottrell, III  
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